

REMARKS

Claims 1-16 are pending in this application. By this amendment, claims 1, 8, 9 and 16 are amended.

The Office Action rejects claims 1-16 under 35 USC 102(b) over Nishide (US Patent 5,979,400). This rejection is respectfully traversed.

Independent claims 1 and 9 both recite setting an allowable crank angle range that allows the fuel injection within a time period running from an initial combustion of the fuel injected upon the start-up of the internal combustion engine for a predetermined time period, and sets an extended allowable crank angle range after passage of the predetermined period of time until the completion of start-up, the extended allowable crank angle range being larger than the allowable crank angle range. Similarly, independent claims 8 and 16 recite the command value for controlling the fuel injection quantity is forcibly decreased for a predetermined period of time running from an initial combustion of the fuel injected upon the start-up of the internal combustion engine until a completion of start-up, and stopping the forcible decrease after passage of the predetermined period of time.

Nishide does not disclose or suggest the allowable crank angle range and the extended allowable crank angle range being set for separate time periods both being between initial combustion and completion of start-up, as required by claims 1 and 9, or the command value for controlling the fuel injection quantity is forcibly decreased for a predetermined period of time running from an initial combustion of the fuel injected upon the start-up of the internal combustion engine until a completion of start-up, and stopping the forcible decrease after passage of the predetermined period of time, as required by claims 8 and 16. Instead, Nishide discloses that the limit crank angle position is advanced in a start-up, and the limit crank angle is not comparatively delayed until after warming up (after start-up completion). See col. 8, lines

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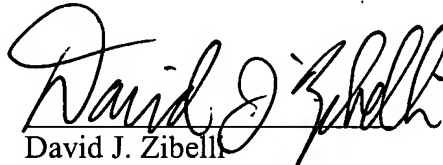
39-47. Accordingly, claims 1 and 9, and all claims dependent therefrom, are not anticipated by Nishide. Withdrawal of the rejection is requested.

The Office is hereby authorized to charge any additional fees under 37 C.F.R. §1.16 or §1.17 or credit any overpayment to Deposit Account No. 11-0600.

Should the Examiner have any questions concerning this matter, he is invited to contact Applicants' undersigned attorney at 202/220-4334.

Respectfully submitted,

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